

EXHIBIT A

IN THE IOWA DISTRICT COURT IN AND FOR BLACK HAWK COUNTY

KIMBERLY IHLENFELDT,)	
)	CASE NO. <u>LACV127546</u>
Plaintiff,)	
)	
vs.)	PETITION AT LAW AND
)	JURY DEMAND
OCWEN LOAN SERVICING, LLC,)	
and OCWEN FINANCIAL)	
CORPORATION,)	
)	
Defendants.)	

COMES NOW the Plaintiff, Kimberly Ihlenfeldt, by and through counsel, and hereby files this Petition at Law and Jury Demand against the Defendant, Ocwen Loan Servicing, LLC. Ms. Ihlenfeldt states as follows:

GENERAL ALLEGATIONS

1. This action is instituted pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.*
2. The employment practices involved in this claim occurred in Waterloo, Black Hawk County, Iowa, making venue appropriate in Black Hawk County, Iowa.
3. Ms. Ihlenfeldt timely filed a complaint regarding the matters stated herein with the Iowa Civil Rights Commission and with the Equal Employment Opportunity Commission. She has requested and received an administrative release from each agency, attached hereto as Exhibits 1 and 2. Ms. Ihlenfeldt now files this Petition at Law with 90 days of having received such "right-to-sue" letters.
4. The Plaintiff, Ms. Ihlenfeldt, is a citizen and resident of Waterloo, Black Hawk County, Iowa.

5. Defendant Ocwen Loan Servicing, LLC, is a limited liability company organized under the laws of the State of Delaware with its home office in West Palm Beach, Florida. The Defendant company is registered and authorized to do business in the State of Iowa and maintains a business location in Waterloo, Black Hawk County, Iowa.

6. Defendant Ocwen Loan Servicing, LLC, is a wholly-owned subsidiary of Ocwen Financial Corporation. Ocwen Financial Corporation is a corporation incorporated under the laws of the State of Delaware and doing business in the State of Iowa through its wholly-owned subsidiary, Ocwen Loan Servicing, LLC.

7. From September 30, 2013, through November 19, 2014, Ms. Ihlenfeldt was employed by the Defendants.

8. Ms. Ihlenfeldt is the single mother of a daughter who is disabled as that term is defined under 42 U.S.C. § 12102.

9. Ms. Ihlenfeldt's minor daughter had a serious medical condition as defined by 29 C.F.R. § 825.113(a).

10. Under the rule stated in 29 C.F.R. § 825.112(a)(3), Defendants were required to grant leave to Ms. Ihlenfeldt under the Family and Medical Leave Act to care for her daughter with a serious medical condition.

11. Ms. Ihlenfeldt became eligible for FMLA benefits on September 30, 2014.

12. After September 30, 2014, Ms. Ihlenfeldt requested and was granted both intermittent and long-term FMLA leave to care for her minor daughter.

13. Defendants terminated Ms. Ihlenfeldt's employment on November 19, 2014.

COUNT I:
DISABILITY DISCRIMINATION BY ASSOCIATION

14. Plaintiff repleads and realleges each and every material allegation set forth above and incorporates the same by reference herein.

15. Plaintiff was qualified for her job with Defendants at the time Defendants terminated her.

16. Plaintiff was subjected to an adverse employment action in that she was terminated by Defendants.

17. Defendants knew that Plaintiff was the mother of a disabled daughter at the time Defendants terminated her employment.

18. The Plaintiff's daughter's disability was a determining factor in the decision to terminate Plaintiff.

19. Plaintiff's termination is in violation of 42 USC § 12112.

20. Defendants' termination of Plaintiff caused injuries and damages to Plaintiff.

WHEREFORE, Plaintiff Kimberly Ihlenfeldt prays for a judgment in her favor against the Defendants, Ocwen Loan Servicing, LLC, and Ocwen Financial Corporation, in an amount that will fairly and adequately compensate Ms. Ihlenfeldt for the injuries and damages she has sustained, as well as for punitive damages, attorneys' fees and for the costs of this action, including expert witness fees, and any and all relief that may be just and equitable under the circumstances and consistent with the purposes of the Americans With Disabilities Act, 42 USC § 12101 et seq.

COUNT II:
WRONGFUL TERMINATION UNDER THE
FAMILY AND MEDICAL LEAVE ACT

21. Plaintiff repleads and realleges each and every material allegation set forth above and incorporates the same by reference herein.

22. Plaintiff was eligible for FMLA leave.

23. Plaintiff's daughter had a serious health condition.

24. Plaintiff needed to use FMLA leave intermittently to care for her disabled daughter.

25. Defendants knew of Plaintiff's eligibility for FMLA leave, of Plaintiff's daughter's disability, and of Plaintiff's need to use FMLA leave intermittently to care for her disabled daughter.

26. Defendants terminated Plaintiff's employment.

27. Plaintiff's need to use FMLA leave intermittently to care for her disabled daughter caused Defendants' decision to terminate Plaintiff's employment.

28. Defendants' termination of Plaintiff caused injuries and damages to Plaintiff.

WHEREFORE, Plaintiff Kimberly Ihlenfeldt prays for a judgment in her favor against the Defendants, Ocwen Loan Servicing, LLC, and Ocwen Financial Corporation, in an amount that will fairly and adequately compensate Ms. Ihlenfeldt for damages she has sustained, as well as for liquidated damages, attorneys' fees and for the costs of this action, including expert witness fees, and any and all relief that may be just and equitable under the circumstances and consistent with the purposes of the Family and Medical Leave Act, 29 USC § 2601 et seq.

CERTIFICATION OF JURISDICTIONAL AMOUNT

Pursuant to Iowa Code Section 619.18 (2013), Kimberly Ihlenfeldt certifies to the Court that this action meets the applicable jurisdictional requirements for amount in controversy in District Court.

JURY DEMAND

COMES NOW the Plaintiff, Kimberly Ihlenfeldt, and respectfully requests that a jury be summoned and impaneled to hear and determine the issues in the above cause of action.

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& HELLMAN, P.L.C.
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